

REMARKS/ARGUMENTS

- Remarks -

Applicant thanks the Examiner for his remarks as provided in the instant Office Action, and for the withdrawal of the finality of the previous Office Action.

Substance of Rejections

Applicant notes that the substance of the rejections raised in the instant Office Action (hereinafter OA3) is identical to that raised in the previous Office Action dated 20 August 2008 (hereinafter OA2).

In fact, the text of the §102(b) and §103(a) rejections in OA3 appear to be word-for-word identical to that of OA2.

In turn, the substance and text of OA2 appear identical to that of the Office Action dated 2 May 2008 (hereinafter OA1).

In response to OA1, Applicant previously submitted arguments on 30 June 2008. The Applicant's arguments of 30 June 2008 were not answered in OA2. This lack of answer was noted in Applicant's response to OA2 dated 19 October 2008.

In view of the lack of answer from the Examiner, Applicant's response to OA2 reasserted the points made in the response to OA1, and maintained that the claims were novel over Sugitani (US 4,905,017). Applicant's response to OA2 further requested the withdrawal of the finality of OA2 as new grounds of rejection had not in fact been raised.

In the instant Office Action (OA3), the Examiner has withdrawn the finality of OA2. However, OA3 continues to identically assert the same rejection over Sugitani as was raised in OA2 and OA1. OA3 again fails to answer the material traversed by the Applicant in both his responses to OA2 and OA1.

In this regard, therefore, Applicant maintains that his previous submissions in relation to Sugitani are still valid, and again resubmits the arguments as presented on 19 October 2008 and 30 June 2008, traversing the rejection of the claims over Sugitani.

In particular, if the Examiner equates the wafer defined in claims 1 and 11, to the plate 408 of Sugitani, then Sugitani clearly fails to disclose a printhead with both nozzles and their respective actuators formed on an ejection side of the wafer (identified as the top side of the plate 408).

35 USC §102 - Claims 1, 7 to 9, 11, 17 to 19, 31, 37 to 39

Claims 1, 7 to 9, 11, 17 to 19, 31 and 37 to 39 stand rejected for lack of novelty in light of US 4,905,017 to Sugitani et al.

Independent claims 1, 11, and 31 were previously amended to explicitly define that the droplet ejection actuators and associated drive circuit are formed on the droplet ejection side of the wafer such that the droplet ejection actuators are positioned between the droplet ejection side of the wafer and the plurality of nozzles.

In contrast, Sugitani uses a nozzle plate 408 with an array of ejection nozzles 409 formed therethrough. Neither side of the nozzle plate 408 supports any drive circuitry or drop ejection actuators.

The citation fails to teach a fundamental aspect of the invention and does not anticipate independent claims 1, 11 and 31 or any of dependent claims 7 to 9, 17 to 19, and 37 to 39.

35 USC §103 - Claims 2 to 6, 10, 12 to 16, 20, 32 to 36 and 40

Claims 2 to 5, 12 to 15, 32 to 35 stand rejected as obvious in light of Sugitani. Claims 10, 20 and 40 stand rejected as obvious in light of Sugitani as applied to claim 1, in view of Hermanson (US 5,581,284). Claims 6, 16 and 36 stand rejected as obvious in light of Sugitani as applied to claim 1, in view of Jeanmaire et al. (US 6,575,566).

As discussed above, Sugitani fails to anticipate all the elements of claims 1, 11 or 31. Furthermore, the additional citations fail to teach the distinguishing features of the independent claim. Accordingly, the combined disclosures of Sugitani and the additional references fail to support a §103 rejection of any of dependent claims 2 to 6, 10, 12 to 16, 20, 32 to 36 and 40.

MPEP 707.07(f)

Applicant respectfully reminds the Examiner of the guidelines set forth in MPEP 707.07(f). Where the applicant traverses any rejection, the Examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.

MPEP 904.03

Applicant further respectfully reminds the Examiner of the guidelines set forth in MPEP 904.03.

It is a prerequisite to a speedy and just determination of the issues involved in the examination of an application that a careful and comprehensive search, commensurate with the limitations appearing in the most detailed claims in the case, be made in preparing the first action on the merits so that the second action on the merits can be made final or the application allowed with no further searching other than to update the original search.

Favorable reconsideration of the application in light of the above amendments and remarks is respectfully requested. Applicant looks forward to word of further official communication in due course.

Very respectfully,

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